

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Linda S. Mansfield, Mary G. Rossano,
In re application of: Alice J. Murphy and Ruth A. Vrable
Application No.: 09 / 670,096 Group No.: 1645
Filed: September 26, 2000 Examiner: Padmavathi Baskar
For: VACCINE TO CONTROL EQUINE PROTOZOAL MYELOENCEPHALITIS IN
HORSES

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

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BOX AF

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AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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TRANSMISSION

- facsimile transmitted to the Patent and Trademark Office, (703) _____

Jamie L. Taylor
Signature

Date: 08/20/04

Tammi L. Taylor
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment or Response After Final Rejection—Transmittal [9-20]—page 1 of 4)

08/23/2004 HVUONG1 00000112 09670096

01 FC:1252

420.00 ₦P

NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591). See M.P.E.P. § 714.13, 6th ed., rev. 3.

STATUS

2. Applicant is

- a small entity. A statement:
 - is attached.
 - was already filed.
 - other than a small entity.

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

3. (complete (a) or (b), as applicable)

- (a) Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Fee: \$475.00

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for 1 months has already been secured and the fee paid therefor of \$ 55 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 420.00

OR

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
				<i>OR</i>
TOTAL * 3	MINUS ** 20	= -0-	× \$9 =	\$ 0.00
INDEP. * 2	MINUS *** 3	= -0-	= \$43 =	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			-0-	+\$145 = \$ 0.00
			TOTAL \$	<i>OR</i> TOTAL \$
			ADDIT. FEE \$ 0.00	

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

(c) No additional fee is required.

OR

(d) Total additional fee required is \$ _____.

FEE PAYMENT

5. Attached is a check money order in the amount of \$ 420.00

Authorization is hereby made to charge the amount of \$ _____

to Deposit Account No. _____

to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

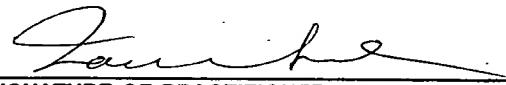
NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No. 13-0610

AND/OR

- If any additional fee for claims is required, charge Account No. 13-0610

Reg. No.: 20,931



SIGNATURE OF PRACTITIONER

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MSU 4.1-526
Appl. No. 09/670,096
August 10, 2004
Reply to Office Action of Feb. 23, 2004

AUG 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Linda S. Mansfield, Mary G. Rossano,
Alice J. Murphy, and Ruth A. Vrable

Serial No. : 09/670,096 Confirmation No.: 7494

Filing Date : September 26, 2000

Title : VACCINE TO CONTROL EQUINE PROTOZOAL
MYELOENCEPHALITIS IN HORSES

Group Art Unit : 1645

Examiner : Padmavathi Baskar, Ph.D.

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AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

In response to the Office Action mailed February
18, 2004, Applicant amends and remarks as follows:

Amendments to the Claims are reflected in the Listing of
Claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.